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S. 2351

[Report No.]

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 1949

Referred to the Committee on Post Office and Civil Service

AUGUST , 1950

Reported with amendments, committed to the Committee of the Whole House
on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

AN ACT

To simplify and consolidate the laws relating to the receipt of
compensation from dual employments under the United
States, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That unless otherwise specifically authorized by law, any
4 person receiving compensation from any office or position,
5 appointive or elective, under the United States or any
6 department or agency thereof, including Government-owned
7 or controlled corporations, or under the government of the
8 District of Columbia, shall not be eligible to receive com-

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1 pensation from any other such office or position except to
2 such extent as will not cause the combined amounts actually
3 received for any period of time to exceed the rate of \$5,000
4 per annum: *Provided*, That when the compensation of either
5 office or position amounts to or exceeds the rate of \$5,000
6 per annum such person shall be eligible to receive the com-
7 pensation of either office or position, as he may elect.

8 SEC. 2. For the purpose of this Act, an hourly rate,
9 other than an hourly rate which is paid as a proportionate
10 part of an annual rate, shall be multiplied by two thousand
11 eighty to obtain an equivalent annual rate for the position;
12 and a daily rate, other than a daily rate which is paid as a
13 proportionate part of an annual rate, shall be multiplied
14 by two hundred sixty to obtain an equivalent annual rate
15 for the position.

16 SEC. 3. As used in this Act, the phrase "compensation
17 from any office or position" shall be construed to include
18 any basic salary, wages, or other emolument, including per-
19 manent additions such as statutory pay increases, but ex-
20 cluding any temporary additions such as overtime pay or
21 night differential, for or on account of service as a
22 civilian officer or employee of the United States, or any de-
23 partment or agency thereof, including Government-owned or
24 controlled corporations, or of the government of the District
25 of Columbia, and retired pay on account of services as a

1 commissioned officer in any of the services specified in the
2 Pay Readjustment Act of 1942 (U. S. C., title 37, sec.
3 101 and the following), but nothing in this Act shall be
4 construed to apply to retired pay of enlisted men or warrant
5 officers of such service retired for any cause, nor to retired
6 pay of Regular, Reserve, or temporary commissioned officers
7 retired for disability incurred in combat with an enemy of
8 the United States or for disabilities resulting from an explo-
9 sion of an instrumentality of war in line of duty during an
10 enlistment or employment as provided in Veterans Regula-
11 tion Numbered 1 (a), part I, paragraph I, nor to retired
12 pay of any officer, warrant officer, or enlisted person retired
13 under provision of title III of Public Law 810 of the
14 Eightieth Congress, as amended, when such retirement is
15 effected during the time such person is so employed as to
16 otherwise come under the provisions of this Act as set forth
17 in section 1 hereof.

18 *SEC. 3. As used in this Act, the term "compensation*
19 *from any office or position" shall include—*

20 *(1) any basic salary, wages, or other emolument,*
21 *including permanent additions such as statutory pay*
22 *increases, but excluding any temporary additions such*
23 *as overtime pay or night differential, for or on account*
24 *of service as a civilian officer or employee of the United*
25 *States, or any department or agency thereof, including*

1 *Government-owned or controlled corporations or of*
2 *the government of the District of Columbia; and*

3 *(2) retired pay on account of services as a com-*
4 *missioned officer in any of the services subject to the*
5 *Career Compensation Act of 1949 (U. S. C., title 37,*
6 *secs. 231 and the following);*

7 *but shall not include—*

8 *(A) retired pay of enlisted men, warrant officers,*
9 *and flight officers in any such service retired for any*
10 *cause;*

11 *(B) retired pay of Regular, Reserve, or temporary*
12 *commissioned officers retired for disability incurred in*
13 *combat with an enemy of the United States or for dis-*
14 *ability resulting from an explosion of an instrumentality*
15 *of war in line of duty during an enlistment or employ-*
16 *ment specified in Veterans Regulation Numbered 1 (a),*
17 *part I, paragraph I;*

18 *(C) retired pay of any commissioned officer, war-*
19 *rant officer, flight officer, or enlisted person retired under*
20 *title III of the Act of June 29, 1948 (Public Law 810,*
21 *Eightieth Congress), as amended; or*

22 *(D) compensation of teachers, school officers, and*
23 *custodial employees of the Board of Education of the*
24 *District of Columbia for services rendered in connection*

1 *with the operation of night or vacation schools in the*
2 *public schools of the District of Columbia.*

3 SEC. 4. The ~~provisions~~ *first section* of this Act may be
4 suspended by order of the President during any period of
5 national emergency when in his opinion the public interest
6 would be served by making the services of Federal officers
7 and employees available for additional duty officers and
8 employees subject to such section available for additional
9 service.

10 SEC. 5. When in the judgment of the Postmaster Gen-
11 eral the needs and interests of the postal service so require,
12 he may temporarily assign any employee in the postal field
13 service to duty in any position in the postal field service; and,
14 notwithstanding the first section of this Act, any employee so
15 assigned may be paid, for services performed in the position
16 and grade to which he is temporarily assigned, compensation
17 either at the rate prescribed for such position and grade or
18 at the rate prescribed for his regular position and grade.

19 SEC. 6. (a) All laws or parts of laws inconsistent
20 with the provisions of this Act are hereby repealed, and such
21 repeal shall include but shall not be limited to the following
22 ~~Acts and parts of Acts~~ *laws and parts of laws*:

23 (1) Section 2 of the Act of July 31, 1894 (28 Stat.

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1 ~~205, 205~~), as amended by the Act of May 31, ~~1924~~, 43
2 ~~Stat. 245~~; 1924 (43 Stat. 245), section 6 of the Act of
3 July 30, 1937 (50 Stat. ~~549~~; 549), and the Act of June
4 25, 1938 (52 Stat. 1194), relative to the holding of two
5 offices (U. S. C., title 5, sec. 62).

6 (2) Section 6 of the Act of May 10, 1916 (39 Stat.
7 120), as amended by the Act of August 29, 1916 (39 Stat.
8 582), relative to double salaries (U. S. C., title 5, secs. 58
9 and 59).

10 (3) Section 212 of the Act of June 30, 1932 (47
11 Stat. 406), as amended by section 3 of the Act of July
12 15, 1940 (54 Stat. 761), relative to limitation of retired
13 pay received for commissioned service when combined with
14 civilian salary (U. S. C., title 5, sec. 59a).

15 (4) Revised Statutes, section 1763, relative to the
16 receiving of compensation from more than one office.

17 (5) Revised Statutes, section 1764, relative to addi-
18 tional compensation for extra services (U. S. C., title 5,
19 sec. 69).

20 (6) Revised Statutes, section 1765, relative to addi-
21 tional compensation to any person whose salary is fixed
22 by law or regulation (U. S. C., title 5, sec. 70).

23 (7) Section 7 of the Act of June 3, 1896 (29 Stat.

7

1 235), relative to retired officers of the Army and Navy
2 employed on river and harbor improvements (U. S. C.,
3 title 5, sec. 63).

4 (8) Section 9 of the Act of October 6, 1917 (40 Stat.
5 384), relative to teachers in the public schools of the District
6 of Columbia who are also employed as teachers of night
7 schools and vacation schools (U. S. C., title 5, sec. 61).

8 (9) Act of July 8, 1918, section 1 (40 Stat. 823), last
9 paragraph under the heading "Public Schools", relative to
10 employees of the community center department of the public
11 schools of the District of Columbia (U. S. C., title 5, sec. 61).

12 (10) Act of June 25, 5, 1920, section 1 (41 Stat.
13 1017), ninth paragraph under the heading "Public Schools",
14 relative to employees of the school garden department of
15 the public schools of the District of Columbia (U. S. C.,
16 title 5, sec. 61).

17 (11) Act of February 17, 1922 (42 Stat. 373), the
18 proviso to paragraph in the paragraph under the heading
19 "Bureau of the Budget", relative to retired officers of the
20 Army, Navy, Marine Corps, or Coast Guard, appointed
21 to offices in the Bureau of the Budget (U. S. C., title 5,
22 sec. 64).

23 ~~(12) Section 6 of the Act of March 3, 1925 (43 Stat.~~

1 ~~1108~~), relative to employees of the Library of Congress
2 receiving additional compensation from trust funds (~~U. S. C.,~~
3 ~~title 5, sec. 60~~).

4 ~~(13)~~ (12) Section 1 of the Act of March 1, 1929 (45
5 Stat. 1441), as amended by the Act of June 11, 1942 (56
6 Stat. 358, Public Law 605, Seventy-seventh Congress), and
7 the Act of December 23, 1944 (58 Stat. 922, Public Law
8 555, Seventy-eighth Congress), relative to dual employment
9 of postal employees (U. S. C., ~~Supp. V,~~ title 39, sec. 136).

10 ~~(14)~~ Act of January 22, 1932, section 3, fifth sen-
11 tence (~~47 Stat. 5~~), relative to employees of the Recon-
12 struction Finance Corporation (~~U. S. C., title 15, sec. 603~~).

13 (13) Act of January 22, 1932, section 3, fifth sentence,
14 as in effect on June 30, 1947 (47 Stat. 6), relative to
15 employees of the Reconstruction Finance Corporation.

16 ~~(15)~~ (14) Act of July 1, 1942 (56 Stat. 467, Public
17 Law 642, Seventy-seventh Congress), relative to custodial
18 employees of the Board of Education of the District of
19 Columbia.

20 ~~(16)~~ Act of June 28, 1944, section 1 (~~58 Stat. 575~~),
21 first paragraph, third proviso, under the heading "Finance
22 Department, Finance Service, Army", and similar provi-
23 sions in the Act of July 3, 1945, section 1 (~~59 Stat. 386~~),
24 first paragraph, third proviso, under the heading "Finance
25 Department, Finance Service, Army", and the Act of July

1 16, 1946, section 1 (60 Stat. 543), first paragraph, third
 2 proviso, under the heading "Finance Department, Finance
 3 Service, Army", relative to retired military personnel on
 4 duty at the United States Soldiers' Home (U. S. C., Supp.
 5 V, title 5, sec. 59b).

6 (15) *The first proviso in the paragraph under the head-*
 7 *ing "Pay of the Army" in title III of the Defense Appro-*
 8 *priation Act, 1951, the first proviso in the paragraph with*
 9 *the side heading "Pay of the Army" in title III of the Na-*
 10 *tional Military Establishment Appropriation Act, 1950, and*
 11 *similar provisions in prior appropriation Acts providing pay*
 12 *for the Army, relative to retired military personnel on duty*
 13 *at the United States Soldiers' Home (U. S. C., title 5,*
 14 *sec. 59b).*

15 ~~(17)~~ (16) Act of August 10, 1946 (60 Stat. 978, Pub-
 16 lic Law 718, Seventy-ninth Congress), relative to appoint-
 17 ment of retired officers in the Veterans' Administration.

18 ~~(b)~~ The Act of June 16, 1938 (52 Stat. 752, Public
 19 Law 645, Seventy-fifth Congress; U. S. C., title 28, sec.
 20 560), is amended by striking out "\$3,000 per annum" in
 21 the last line and substituting "\$5,000 per annum".

22 ~~(e)~~ (b) Nothing in this Act, however, shall be con-
 23 strued to modify or repeal any of the following:

24 (1) Act of August 1, 1941 (55 Stat. 616, Public
 25 Law 202, Seventy-seventh Congress), as amended by the

1 Act of April 7, 1942 (56 Stat. 200, Public Law 517,
2 Seventy-seventh Congress), and the Act of November ~~12,~~
3 ~~21,~~ 1945 (59 Stat. 584, Public Law 226, Seventy-ninth
4 Congress), relative to receipt of payment for annual leave
5 by civilian employees who enter the armed forces, and receipt
6 of compensation in civilian positions by military personnel
7 on terminal leave from the armed forces (U. S. C., title 5,
8 Supp. V, secs. ~~61a, 61a-1, and~~ *secs. 61a and 61a-1*).

9 (2) Naval Reserve Act of June 25, 1938, section 4,
10 ~~third second~~ proviso (~~52 Stat. 1176~~), relative to members of
11 the Naval Reserve receiving pay and allowances from civilian
12 positions concurrently with pay and allowances under ~~that~~
13 *such* Act (U. S. C., title 34, sec. 853b).

14 (3) *The proviso in the fourth paragraph under the*
15 *subheading "Ordnance Stores and Equipment for Reserve*
16 *Officers' Training Corps" of the Act of May 12, 1917,*
17 *added to such paragraph by Public Law 153, Eightieth Con-*
18 *gress, approved July 1, 1947, section 1 (b), relative to*
19 *concurrent receipt of civilian pay and pay and allowances*
20 *under laws relating to the Officers' Reserve Corps and the*
21 *Enlisted Reserve Corps (U. S. C., title 10, sec. 371b).*

22 (4) *That portion of section 80 of the Act of June 3,*
23 *1916, added to such section by Public Law 153, Eightieth*
24 *Congress, approved July 1, 1947, section 2, relative to*
25 *concurrent receipt of civilian pay and pay and allowances*

1 under provisions of law relating to the National Guard
2 (*U. S. C., title 32, sec. 75*).

3 (*5*) *Those portions of the Federal Farm Loan Act,*
4 *as amended (U. S. C., title 12, secs. 676 and 1022), the*
5 *Farm Credit Act of 1933, as amended (U. S. C., title 12,*
6 *secs. 1131 and 1134), and the Farm Credit Act of 1937,*
7 *as amended (U. S. C., title 12, sec. 640l), relative to the*
8 *employment of officers and employees and joint officers and*
9 *employees by the organizations named therein, or otherwise*
10 *be deemed to restrict participation by corporations under the*
11 *supervision of the Farm Credit Administration in the pay-*
12 *ment of the salary of an officer or employee serving more than*
13 *one such corporation.*

14 *SEC. 7. Section 6 of the Act of March 3, 1925 (U. S. C.,*
15 *title 2, sec. 162), is amended to read as follows:*

16 *"SEC. 6. Employees of the Library of Congress who per-*
17 *form special functions for the performance of which funds*
18 *have been entrusted to the board or the librarian, or in con-*
19 *nection with cooperative undertakings in which the Library*
20 *of Congress is engaged, shall not be subject to section 1914*
21 *of title 18 of the United States Code."*

Passed the Senate September 27 (legislative day, Sep-
tember 3), 1949.

Attest:

LESLIE L. BIFFLE,
Secretary.

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